

Remarks

Claims 1-6, 9, 12, 15-41, 43-60, 63, 64, 67 and 68 were pending. By this amendment, claim 46 has been amended and claims 51-68 have been canceled without prejudice. Support for this claim amendment can be found throughout the specification, including page 31, lines 14-31 and page 56, lines 10-14 and 29-36.

No new matter is introduced by the foregoing amendments and no amendments are made to distinguish prior art. After entry of this amendment, **Claims 1-6, 9, 12, 15-41 and 43-50 are pending in the application.** Consideration of the pending claims is requested.

Restriction Requirement

The Office alleges that the pending claims are directed to three inventions that do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, allegedly the claims lack the same or corresponding special technical features. The Office has required restriction to one alleged invention under 37 CFR § 1.499. The three Groups provided by the Office are the following:

Group I	Claims 1-6, 9, 12, 15-41, 51-59 and 68 encompass multiple groups of distinct inventions wherein each invention is drawn to a method of decreasing infection of a host cell by a virus comprising interfering with an activity or expression of one of the host proteins listed in claim 1.
Group II	Claims 43-50 encompass multiple groups of distinct inventions wherein each invention is drawn to a method of identifying a compound that decreases binding of a viral protein to one host protein in Table 1.
Group III	Claims 60, 63, 64 and 67 are drawn to a non-transgenic mammal comprising a functional deletion of one or more target sequences.

Applicants respectfully traverse the restriction requirement for at least the following reasons.

Traversal of Requirement to Elect a Single Virus

The restriction of claims 43-50 to a single virus is respectfully traversed. Applicants assert that if any type of restriction is proper (and the Applicants do not in any way concede that it is proper), a requirement for an election of species should be considered. The current claims are directed to methods of identifying a compound that decreases binding of a viral protein to a Rab9 protein. That is to say, that all of claims encompass a viral protein. Therefore, all of the sequences can be included into a single genus (viral protein). As such, each of the types of viruses is a species of the single genus and it is unreasonable to require Applicants to further narrow the scope of the claims to a single virus. Therefore, if a restriction is required it should be an election of species. Applicants further assert that search of the term “virus” will turn up HIV, Ebola and influenza A. Therefore, to search all three viruses would not constitute an undue burden on the Office.

Traversal of Requirement to Elect a Single Sequence

The restriction of claims 43-50 to a single host protein sequence is respectfully traversed. Applicants assert that the current claims are directed to methods of identifying a compound that decreases binding of a viral protein to a Rab9 protein. That is to say, that all of claims encompass Rab9. Rab9 is well known to those of skill in the art and Rab9 sequences share a high degree of homology across species. Therefore, Applicants assert that it is unreasonable to require the claims to be limited to a single sequence.

Applicants further assert that if any type of restriction is proper (and the Applicants do not in any way concede that it is proper), a requirement for an election of species should be considered. As stated above, all of claims encompass Rab9. Rab9 is well known to those of skill in the art and Rab9 sequences share a high degree of homology across species. Therefore, all of the sequences can be included into a single genus (Rab9) based upon their shared sequence homology. As such, each of the sequences is a species of the single genus. Therefore, if a restriction is required it should be an election of species.

In the alternative, Applicants direct the Office’s attention to MPEP 2434 wherein it states that as many 10 sequences may be examined together. Therefore, if the restriction requirement

is maintained, Applicants request that both SEQ ID NOs: 118 and 119 be prosecuted together in the present application because it would not constitute an undue burden on the Office and both are related in which they are Rab9 nucleic acid sequences.

Required Election(s)

As required to ensure completeness of this response, Applicants hereby provisionally elect Examiner's Group II (claims 43-50). Applicants also provisionally elect Rab9 as the distinct host protein, HIV as the virus, and SEQ ID NO: 118 for the one nucleic acid sequence that encodes the elected Rab9 protein. .

Finally, the Office requires the identification of claims encompassing the elected invention. Claims 43-46 and 48-50 encompass the elected invention.

CONCLUSION

Substantive examination of the pending claims is respectfully requested. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview would facilitate substantive examination of this application.

Respectfully submitted,

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